

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

THE MIDDLE EAST FORUM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
LISA REYNOLDS-BARBOUNIS,	:	Civil Action No.: 19-5697
	:	
Defendant.	:	
	:	

PLAINTIFF’S STATUS REPORT

Plaintiff The Middle East Forum (“MEF”), by counsel, files this Status Report as discussed during the parties’ teleconference with this Court on September 25, 2020 at 10:00 a.m., and states as follows:

This Court held a telephone conference with the parties on September 18, 2020, during which the Court inquired about a possible stipulated injunction order to resolve MEF’s pending Motion for Preliminary Injunction (the “Motion”). In response to the Court’s questions, counsel for Defendant Lisa Reynolds-Barbounis (“Defendant”) stated that he believed an order could be stipulated to resolve the Motion.¹ Therefore, undersigned counsel for MEF prepared a stipulated injunction order and sent it to defense counsel for review with his client.

Defendant’s counsel deleted most of the language in MEF’s draft order and made it clear

¹ Before filing this lawsuit in early December 2019, MEF’s counsel asked Defendant, through counsel, on at least three separate occasions to sign an affidavit or stipulated order that she would not disclose and would return MEF data. MEF counsel forwarded draft documents each time, but Defendant either refused or ignored the request, causing great concern for MEF and thus requiring this lawsuit. During this lawsuit, MEF counsel again attempted to obtain similar stipulated orders from Defendant to avoid the cost and expense of the Motion, to no avail. MEF believes this is the fifth time it has attempted in good faith to reach a compromise on this interim relief, expending attorneys’ fees each time.

that he had not shown the proposed order to his client: (“[a]ttached is a version of the stipulations that I will take to Ms. Barbounis if you agree that the language is sufficient.”). Because MEF’s draft order had been changed so drastically, MEF’s counsel reached out to defense counsel the following morning to seek defense counsel’s rationale for the changes and asked defense counsel for available times to discuss the issues. Almost a week has passed, and undersigned counsel has not received a response from Defendant. It is troubling that Defendant has not responded, particularly when the parties had another discussion with this Court at 10:00 a.m. on September 25, 2020, during which the Court expressly asked the parties to talk and file a status report on this issue by 5:00 p.m. on Tuesday, September 29, 2020.²

The following timeline over the past week sets forth MEF’s diligent efforts to seek to cooperation from Defendant on a stipulated injunction order:

- On September 24, 2020 at 9:24 a.m., undersigned counsel sent a written request to defense counsel regarding the draft Stipulated Order Plaintiff circulated previously: (“Please let me know your available times today to discuss. I would like to go through the language I proposed to make sure I understand your position.”)
- No response from Defendant.
- On September 25, 2020 at 10:00 a.m., this Court held a telephone conference wherein undersigned counsel informed the Court that Plaintiff was waiting for defense counsel to respond and that the parties would provide a status report to the Court by 5:00 p.m. on Tuesday, September 29, 2020.
- No response from Defendant.
- On September 27, 2020 at 10:56 a.m., undersigned counsel sent another request to defense counsel seeking available times to talk: (“I have not heard back from you regarding your available times to talk. Please let me know your available times to talk today or tomorrow. Thank you.”)

² This is not the first time Defendant has not complied with the Court’s deadlines. *See* timeline set forth in Plaintiff’s Motion to Compel Defendant dated August 31, 2020 (Dkt. 63).

- No response from Defendant.
- On September 29, 2020 at 10:32 a.m., undersigned counsel sent another request to defense counsel: (“Seth, we can also discuss the draft stipulated order that I have been trying to discuss with you since the middle of last week.”)
- No response from Defendant.

In a tiresome manner, Defendant and her counsel have again not complied with the Court’s direction. While MEF’s counsel has been willing to discuss the matter with defense counsel in an attempt to reach a resolution of the Motion, defense counsel does not respond. It is this behavior that has caused undue expense in this case and has prompted MEF to seek reimbursement of its attorneys’ fees (which this Court has held in abeyance when it stated that it would “seriously consider” awarding attorneys’ fees if Defendant did not comply with her obligations (Dkt. 45)) and for other sanctions (Dkt. 62).

Dated: September 29, 2020

THE MIDDLE EAST FORUM
By counsel

s/ Sidney L. Gold
Sidney L. Gold
sgold@discrimlaw.net
Sidney L. Gold & Associates P.C.
1835 Market Street, Suite 515
Philadelphia, PA 19103
Tel: (215) 569-1999
Fax: (215) 569-3870

Attison L. Barnes III
abarnes@wiley.law
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
Tel: (202) 719-7000
Fax: (202) 719-7049
Counsel for The Middle East Forum

CERTIFICATE OF SERVICE

I hereby certify that, on September 29, 2020, a true and correct copy of the foregoing was filed and served electronically through the Court's CM/ECF system.

s/ Sidney L. Gold

Sidney L. Gold
sgold@discrimlaw.net
Sidney L. Gold & Associates P.C.
1835 Market Street, Suite 515
Philadelphia, PA 19103
Tel: (215) 569-1999
Fax: (215) 569-3870

Attison L. Barnes III
abarnes@wiley.law
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
Tel: (202) 719-7000
Fax: (202) 719-7049

Counsel for The Middle East Forum